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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/811,720      | 03/29/2004  | N. Craig Brown       | 220/40789/Case 210  | 1652             |

279 7590 09/23/2004

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EXAMINER

BEAMER, TEMICA M

ART UNIT PAPER NUMBER

2681

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/811,720

Applicant(s)

BROWN, N. CRAIG

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 17 recites the limitation "scanner" in line 8. There is insufficient antecedent basis for this limitation in the claim.

For purposes of examination, the examiner will interpret the "scanner" as the radio receiver.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Goto, U.S. Pub. No. 2003/0224761.

Regarding claim 1, Goto discloses a radio receiver having a plurality of features programmable by a user, data relating to the programmable features defining a set-up configuration (0056), the radio receiver comprising: inherently a housing (figures 1 and 2); an auxiliary memory disposed within said housing, said auxiliary memory configured such that a plurality of set-up configurations are storable therein a working memory disposed within said housing, said working memory configured such that at least one of said set-up configurations for use by the radio receiver is storable in said working memory; and wherein said radio receiver is configured to manage said plurality of set-up configurations (0038-0041; figure 2).

Regarding claim 2, Goto discloses a radio receiver as defined in claim 1, wherein the radio receiver is configured such that a plurality of set-up configurations are stored and managed within said radio receiver without using a computer in communication with the radio receiver (0038-0041; figure 2).

Regarding claim 3, Goto discloses a radio receiver as defined in claim 1, further comprising: a microprocessor disposed within said housing and in communication with said auxiliary memory, and wherein said microprocessor is configured to manage said plurality of set-up configurations (0038-0041).

Regarding claim 4, Goto discloses a radio receiver as defined in claim 3, wherein said working memory is controlled by said microprocessor (0038-0041).

Regarding claim 5, Goto discloses a radio receiver as defined in claim 1 wherein said working memory is non-volatile (0038-0041).

Regarding claim 6, Goto discloses a radio receiver as defined in claim 1, wherein said working memory comprises an EEPROM (0038-0041).

Regarding claim 7, Goto discloses a radio receiver as defined in claim 1, wherein said working memory is configured such that contents of said working memory is not lost when power is removed from the radio receiver (0039).

Regarding claim 8, Goto discloses a radio receiver as defined in claim 1, wherein said auxiliary member is non-volatile (0038-0041).

Regarding claim 9, Goto discloses a radio receiver as defined in claim 1, wherein said auxiliary memory comprises an EEPROM (0038-0041).

Regarding claim 10, Goto discloses a radio receiver as defined in claim 1, wherein said auxiliary memory is configured such that contents of the auxiliary memory is not lost when power is removed from the radio receiver (0039).

Regarding claim 11, Goto discloses a radio receiver having a plurality of features programmable by a user, data relating to the programmable features defining a set-up configuration, the radio receiver comprising: a housing; a memory disposed within said housing, said memory storing a plurality of set-up configurations; a working memory pointer, wherein said working memory pointer identifies the set-up configuration in use by the radio receiver, and wherein said radio receiver is configured to manage said plurality of set-up configurations (0038-0041; figures 1 and 2).

Regarding claim 12, Goto discloses a radio receiver as defined in claim 11, wherein the radio receiver is configured such that a plurality of set-up

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configurations are stored and managed without using a computer in communications with the radio receiver (0038-0041; figure 2).

Regarding claim 13, Goto discloses a radio receiver as defined in claim 11, further comprising: a microprocessor configured to manage said plurality of set-up configurations (0038-0041).

Regarding claim 14, Goto discloses a radio receiver as defined in claim 11, wherein said memory is non-volatile (0038-0041).

Regarding claim 15, Goto discloses a radio receiver as defined in claim 11, wherein said memory comprises an EEPROM (0038-0041).

Regarding claim 16, Goto discloses a radio receiver as defined in claim 11, wherein said memory is configured such that contents of said memory is not lost when power is removed from the radio receiver (0039).

Regarding claim 17, Goto discloses a method for managing multiple set-up configurations for a radio receiver comprising the steps of: providing a radio receiver including a housing, an auxiliary memory disposed within said housing configured such that a plurality of set-up configurations are storable therein, a working memory disposed within said housing, said working memory storing at least one of said set-up configurations; wherein said radio receiver is configured to manage said plurality of set-up configurations; and operating the receiver to store data relating to the multiple set-up configurations in said auxiliary memory (0038-0041).

Regarding claim 18, Goto discloses a method as defined in claim 17, further including the step of: operating the radio receiver to retrieve data relating

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to one of the multiple set-up configurations from said auxiliary memory and to move said data to said working memory (0038-0041).

Regarding claim 19, Goto discloses a method for managing multiple set-up configurations for a radio receiver comprising the steps of: providing a radio receiver including; a housing, a memory disposed within said housing, said memory storing a plurality of set-up configurations, wherein said radio receiver is configured to manage said plurality of set-up configurations, and a working memory pointer; and directing said working memory pointer to identify one of said plurality of set-up configurations to be used by the radio receiver (0038-0041).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hayes, Jr., U.S. Patent No. 5,894,596.

Hayes, Jr. et al, U.S. Patent No. 5,974,312.

Goetz et al, U.S. Patent No. 6,349,204.

Lipsit, U.S. Pub. No. 2002/0032023.

Zicker et al, U.S. Pub. No. 2001/0005683.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

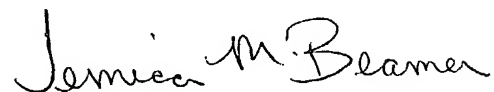
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer  
Examiner  
Art Unit 2681

September 18, 2004

A handwritten signature in cursive script that reads "Temica M. Beamer". The signature is written in dark ink and is positioned below the typed name and title.